

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 9038

October 27, 2021

SUMMARY OF BILL: Establishes any direct or indirect act of exclusion, segregation, differentiation, or preference in the treatment of a person because of COVID-19 vaccination status as a discriminatory practice under the *Tennessee Human Rights Act*.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - \$23,700/FY21-22

/Tennessee Human Rights Commission

\$47,400/FY22-23 and Subsequent Years

/Tennessee Human Rights Commission

Assumptions:

- The addition of a discriminatory practice under the *Human Rights Act* is estimated to significantly increase the number of phone calls, online complaint submittals, and case processing on behalf of the Tennessee Human Rights Commission (THRC).
- The THRC will require an additional Intake Specialist, or Administrative Services Assistant 3, for the volume of contact estimated to generate from the proposed legislation.
- A recurring increase in state expenditures to the THRC of \$47,424 (\$34,884 salary + \$12,540 benefits).
- The proposed legislation is effective upon becoming a law. It is assumed the THRC would fill the position on January 1, 2022. The FY21-22 increase in expenditures will be half of future fiscal years, or \$23,712 (\$47,424 x 50.0%).
- An increase in state expenditures of \$47,424 in FY22-23 and subsequent years.
- There is not estimated to be a significant increase in caseloads; therefore, any impact to the state or local court system is estimated to be not significant.
- Pursuant to Tenn. Code Ann. § 49-6-5001(b)(3), COVID-19 vaccination status will not impact the attendance of a child at a school, nurse school, kindergarten, or preschool in this state.
- The U.S. Supreme Court issued a ruling in February 20, 1905, *Jacobson v. Massachusetts*, upholding the right of states to compel vaccination.
- Each state decides which vaccines are required based on recommendations from the Centers for Disease Control and Prevention Advisory Committee on Immunization Practices (ACIP).

- Immunization or vaccination for COVID-19 is currently not required by any state or local governmental entity in Tennessee. Prohibiting any such future requirement will not result in a significant fiscal impact to the state or local government.
- If the proposed legislation prohibits a state or local entity or private business from following any future federal vaccination mandate, federal funding could be jeopardized.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/ar